

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

UNITED STATES OF AMERICA,	§	
	§	
	§	
Plaintiff,	§	
v.	§	CIV. NO. 6:13-CV-00744
	§	
	§	
GEORGE TOONE and IN TOONE	§	
SERVICES, LLC d/b/a TEXAN RV PARK,	§	
	§	
Defendants.	§	

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**PLAINTIFF'S PROPOSED DOCKET CONTROL ORDER**

It is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

<b>Tuesday, December 2, 2014, at 9:00 a.m.</b>	<b>Jury Trial Date</b>
<b>Court designated date – not flexible without good cause – Motion Required</b>	9:00 a.m. JURY TRIAL as reached at the United States District Court, 211 W. Ferguson, 3 <sup>rd</sup> Floor, Courtroom of Judge K. Nicole Mitchell, Tyler, Texas
<b>ORDER REGARDING EXHIBITS, EXHIBIT LISTS AND WITNESS LISTS:</b> A. <u>On the first day of trial</u> , each party is required to have on hand the following:  (1) One copy of their respective original exhibits. Each exhibit shall be properly labeled with the following information: Identified as either Plaintiff's or Defendant's Exhibit, the Exhibit Number and the Case Number. In addition, exhibits shall be placed in properly marked manila folders and contained in a box with handles.  (2) Three (3) hard copies of their exhibit list and witness list. The Court's preferred format for Exhibit Lists is available on the Court's website at <a href="http://www.txed.uscourts.gov">www.txed.uscourts.gov</a> under "Orders & Forms."	

B. During trial on a daily basis, each party shall tender to the Court a list of exhibits admitted for each day. A description of the exhibits is not necessary, just a list containing the exhibit numbers. For example, Plaintiff will submit a document entitled, "Plaintiff's List of Exhibits Admitted on (*the date*)."

Said daily lists are to be tendered the following day.  
(If trial commences on Monday, Monday's list will be due Tuesday morning and so on until the conclusion of trial).

C. At the conclusion of the evidentiary phase of trial, each party shall be responsible for pulling those exhibits admitted at trial and tender those to the Courtroom Deputy, who will verify the exhibits and tender them to the jury for their deliberations.

D. At the conclusion of trial, all boxes of exhibits shall be returned to the respective parties and the parties are instructed to remove these exhibits from the courtroom.

E. Within five business days of the conclusion of trial, each party shall submit to the Court (to Chambers) the following:

(1) A Final Exhibit List of Exhibits Admitted During Trial, and in addition provide the Court a disk containing this document in Word format.

(2) A disk or disks containing their respective admitted trial exhibits in PDF format, with the exception of sealed exhibits.

If the Court ordered any exhibits sealed during trial, the Sealed Exhibits shall be copied on a separate disk. If tangible or over-sized exhibits were admitted, such exhibits shall be substituted with a photograph to be converted to a PDF file and shall be included in the Court's disk of admitted exhibits.

(3) A disk or disks containing the transcripts of Video Depositions played during trial, along with a copy of the actual video deposition.

F. After verification of final exhibit lists, the Courtroom Deputy shall file and docket the lists, and the disk or disks containing the exhibits in PDF format shall be stored in the Clerk's Office.

**December 2, 2014, at 9:00 a.m.**

**Court designated date – not flexible without good cause – Motion Required**

**Jury Selection**

<b>December 1, 2014, at 9:00 a.m.</b>  <b>Court designated date – not flexible without good cause – Motion Required</b>	<b>Pretrial Conference</b>
November 27, 2014	Thanksgiving
November 25, 2014	Parties shall advise the Court by 3:00 p.m. which paragraphs are agreed to and those that need to be addressed at the pre-trial conference.
November 24, 2014	Parties to file estimates of the amount of time they request at jury selection and trial for (1) voir dire, (2) opening statements, (3) direct and cross examinations, and (4) closing arguments.
November 21, 2014	Responses to Motions in Limine due
November 14, 2014	Motions in Limine are due
November 7, 2014	Pretrial Objections are due
October 30, 2014	Objections to Rebuttal Deposition Testimony due
October 27, 2014	Rebuttal Designations and Objections to Deposition Testimony due
October 14, 2014	Pretrial disclosures are due
October 7, 2014	Joint Pretrial Order due
September 30, 2014	Joint Proposed Jury Instructions with citation to authority and form of the Verdict for jury trials are due
September 23, 2013	Response to Dispositive Motions (including <i>Daubert</i> motions) due

<b><u>September 3, 2014</u></b> <b>Court designated date – not flexible without good cause – Motion Required</b>	Dispositive Motions due from all parties and any other motions that may require a hearing (including <i>Daubert</i> motions) due
September 2, 2014	Respond to Amended Pleadings
August 29, 2014	Parties to Identify Rebuttal Trial Witnesses
August 22, 2014	Parties to Identify Trial Witnesses; Amend Pleadings. It is not necessary to file a Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after the deadline.
August 11, 2014	Expert Discovery Shall Be Completed By this Deadline
July 5, 2014	Deadline to File Letter Briefs for Summary Judgment Motions and <i>Daubert</i> Motions. See the Court's website for further information.
July 2, 2014	Parties Designate Expert Rebuttal Witnesses, Rebuttal Expert Witness Reports Due. Refer to Local Rules for required information. If, without agreement, a party serves a supplemental expert report after the rebuttal expert report deadline has passed, the serving party must file notice with the Court stating service has occurred and the reason why a supplemental report is necessary under the circumstances.
June 23, 2014	Defendants designate expert witnesses and serve expert witness reports. Refer to Local Rules for required information.
June 9, 2014	Plaintiff designates expert witnesses and serve expert witness reports. Refer to Local Rules for required information.
May 9, 2014	Fact Discovery Shall be Completed by this Deadline

April 18, 2014	Document Production Deadline
To be discussed	Mediation to be completed
February 26, 2014	<p>Parties shall join additional parties. It is not necessary to file a motion to join additional parties prior to this date. Thereafter, it is necessary to obtain leave of Court to join additional parties.</p> <p>Defendants shall assert any counterclaims. After this deadline, leave of Court must be obtained to assert any counterclaims.</p>
Wednesday, January 22, 2014	Deadline to File Motion to Change Venue. In the alternative, parties shall move for an extension of time to file a motion to transfer.
January 8, 2013	Scheduling Conference
No. of trial days: 3-4	Expected Length of Trial

Agreed to by counsel for the Parties:

For the United States:

\_\_\_\_\_

Date: \_\_\_\_\_

For the Defendants:

\_\_\_\_\_

Date: \_\_\_\_\_

So ORDERED:

DATE: \_\_\_\_\_

\_\_\_\_\_

**CERTIFICATE OF SERVICE**

On this the 5<sup>th</sup> day of January, 2014, I submitted the foregoing document to the Clerk of the Court for the United States District Court, Eastern District of Texas, Tyler Division, using the Court's electronic case filing system. I hereby certify that I have served all counsel of record electronically or by another means authorized by the Federal Rules of Civil Procedure.

/s/ Lori K. Wagner

Lori K. Wagner